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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,229	11/19/2003	Jeffrey A. Feibelman	02533	6937
987	7590	06/15/2005	EXAMINER	
SALTER & MICHAELSON THE HERITAGE BUILDING 321 SOUTH MAIN STREET PROVIDENCE, RI 029037128			LAU, HOI CHING	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/717,229

Applicant(s)

FEIBELMAN, JEFFREY A.

Examiner

Hoi C. Lau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 3-6,10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 19 have been examined.

#### *Claim Objections*

2. Claim 11 is objected to because of the following informalities: it should be a “and” between the “first second” recess of claim 11, line 4. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al. (U.S. 2005/0035004) in view of Kolton et al. (U.S. 6,724,311).

Regarding **Claim 1**, the primary reference (U.S. 2005/0035004), Kolton's hanger comprises:

A first member having an outer surface, an inner surface, a top portion, a bottom portion and a thickness defined between the outer surface and inner surface (Page 1, paragraph 5 - 9);

A second portion which has the same structure as the first member which the second member being constructed and arranged to overlay at least a portion of the first member in an assembled position (Page 1, paragraph 5 - 9);

An engagement member constructed and arranged to support the hanger on a display (Page 1, paragraph 5 - 9);

A bridge disposed between the bottom portion of the first member and the bottom portion of the second member, the bridge connecting the first member to the second member wherein supports the article thereon (Page 1, paragraph 5 - 9).

The difference between primary reference and the claim are that Kolton fails to teach a recess formed in the first member where the second member overlays the first member.

The secondary reference of Kolton (U.S. 6,724,311) disclose an anti-theft device which comprises:

A first and second member that have the same structure as the primary reference (column 2, lines 45-47 and column 2, lines 35-38);

A recess formed in at least the inner surface of the first member and having a base to support an EAS sensor, the recess being sized to support the sensor;

wherein upon assembling the hanger, the second member overlays the first member so as to conceal the EAS sensor (column 2, lines 47-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified both Kolton's invention into a single integrated anti-theft hanger because the hidden EAS device within the hanger would make it less identifiable to potential shop lifters. In addition, the hanger would provide a display advantage whereby a clasp of the necklace may be seated in the bridge and be visible exteriorly of the hanger.

Regarding **Claim 2**, the primary reference teaches the bridge forms a pair of side which are space from each other and which include a planar surface disposed there between, the planar surface constructed an arranged to support the article thereon (Page 1, paragraph 5 – 9).

Regarding **Claim 7**, the primary reference shows the bridge includes a pair of score lines constructed and arranged to form the planar surface upon assembling the hanger (Page 1, paragraph 20 – 24).

Regarding **Claim 8**, the secondary reference shows the second member includes an adhesive on the inner surface (column 3, lines 1-10).

4. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al. (U.S. 2005/0035004) in view of Kolton et al. (U.S. 6,724,311), in further view of Kolton (U.S. 5,988,462).

The primary reference (U.S. 2005/0035004) shows an aperture as a hanging slot extends through the first and second end portion of hanger, which has the same outline structure as the applicant's third embodiment of invention (see Figure 1, 3 and 6).

The third reference (U.S. 5,988,462) teaches a hanger having a hook portion for the receipt of a display rod, a central portion depending from the hook portion and a lower portion for engagement with an article to be display (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention to corporate together to include a hook or an aperture as hook portion for display purpose.

***Allowable Subject Matter***

5. Claims 3-6, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 12-19 are allowed.

7. The following is an examiner's statement of reasons for allowance:

With regards to Claims 3, 12 and 18 recite "such that upon supporting the sensor within the recess" or "inserting the sensor within the recess".

With regards to Claim 10 recites two recesses where the recess of the second member is aligned with and overlays the recess of the first member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blitz (U.S. 5,597,100) teaches a hanger for displaying garment-related information has a conventional hanger body and a hanger hook. A child proof information indicator is provided. Kolton et al (U.S. 6,264,077) shows a hanger comprises a hook and a tail depending from the hook, the hook being fabricated separately from the tail, the hook portion and the tail portion having mutually interfitting parts for separable joinder. Kolton et al. (U.S. 2003/0174058) shows one assembly

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includes an article of manufacture having an exterior surface and EAS maker containing housing secured to the article.

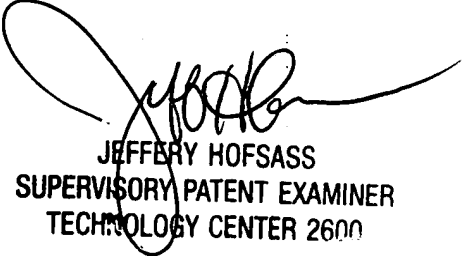
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547.

The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL



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